

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:19-cv-00044-MOC-DSC

**THIS MATTER** is before the court on defendants' Motion to Dismiss (#9). Review of the pleadings reveals that plaintiff is proceeding pro se and that defendant seeks dismissal of this case under Rule 12(b)(1) for lack of subject-matter jurisdiction and under Rule 12(b) (6) for failure to state a cognizable claim.

In furtherance of the principles set forth in Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Court will advise the plaintiff of her obligation to respond or take other action, as follows:

1. You may file a brief written argument in the form of Response opposing the defendants' Motion to Dismiss on or before March 25, 2019. In that Response, you can explain to the Court why you believe this Court has subject-matter jurisdiction and why you believe you have stated a claim(s) that is supported by plausible allegations of fact.

2. In the alternative, you are also hereby advised that you have until March 25, 2019, in which to file an Amended Complaint which cures the defects identified by defendant in their

Motion. The filing of any such Amendment is governed by Rule 15(a)(1)(B), Federal Rules of Civil Procedure.

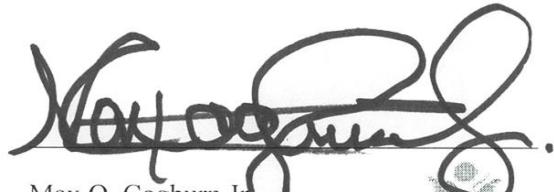
If you fail to Respond to the motion or take curative action under Rule 15, the Court will proceed to decide the matter summarily, which means the Court would consider the motion without a response from the plaintiff.

A copy of the Response or Amendment must be filed with the Clerk of Court, served on the attorney for the defendants via first class mail, and a certificate of service must be attached to the pleading you file with the Court indicating the manner and date on which you served the defendants' attorney.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiff file her Response or Amendment not later than March 25, 2019, as instructed in this Order.

Signed: March 5, 2019



Max O. Cogburn Jr.  
United States District Judge